

## PATENT COOPERATION TREATY

PCT/EP2005/002302

From the INTERNATIONAL BUREAU

## PCT

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)

To:

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15. NOV. 2006

PS RC R T B Sch

Date of mailing (day/month/year)

09 November 2006 (09.11.2006)

Applicant's or agent's file reference

954/272 WO

International application No.

PCT/EP2005/002302

International filing date (day/month/year)

04 March 2005 (04.03.2005)

Applicant

HEYE INTERNATIONAL GMBH et al

## IMPORTANT NOTIFICATION

## 1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

## 2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

## 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

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## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 954/272 WO	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2005/002302	International filing date (day/month/year) 04 March 2005 (04.03.2005)	Priority date (day/month/year) 10 March 2004 (10.03.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant HEYE INTERNATIONAL GMBH			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 8 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input checked="" type="checkbox"/> | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 338 82 70	Date of issuance of this report 01 November 2006 (01.11.2006)
	Authorized officer  Ellen Moyse  e-mail: pt05@wipo.int

## PATENT COOPERATION TREATY

TRANSLATION

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

Date of mailing  
(day/month/year)

See form PCT/ISA/210

Applicant's or agent's file reference

954/272 WO

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2005/002302

International filing date (day/month/year)

04.03.2005

Priority date (day/month/year)

10.03.2004

International Patent Classification (IPC) or both national classification and IPC

C03B7/00

Applicant

HEYE INTERNATIONAL GMBH

## 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

## 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/002302

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
- a. type of material
- ☐ a sequence listing
- ☐ table(s) related to the sequence listing
- b. format of material
- ☐ in written format
- ☐ in computer readable form
- c. time of filing/furnishing
- ☐ contained in the international application as filed.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/002302

Box No. II

Priority

1. ☐ The following document has not yet been furnished:☐ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/002302

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-17	YES
	Claims	-	NO
Inventive step (IS)	Claims	1-17	YES
	Claims	-	NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims	-	NO
2. Citations and explanations:			
<p>1 Reference is made to the following documents:</p> <p>D1: EP 1 266 869 A</p> <p>D2: JP 11 060247 A</p> <p>D3: JP 08333121</p>			
<p>2 Quite apart from the lack of clarity mentioned below, in this part of the opinion the expression "per plunger" is regarded as a unit of dependent plungers.</p>			
<p>3 Document D1 is considered to be the closest prior art. It discloses (the references between parentheses relate to said document):</p> <ul style="list-style-type: none"> <li>- a method (or device) for regulating (22) the glass gob during the production of hollow glass containers by means of a glass forming machine (10),</li> <li>- at least one plunger (18a, 18b) being arranged in a feeder spout of a feeder (14) and, for the vertically upward and downward movement of the at least one plunger (18a, 18b), provided with a movement profile (A, B, C, D) which can be changed in order to influence the discharge of molten glass from the feeder spout (14),</li> <li>- the glass forming machine being an IS (Individual</li> </ul>			

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

Section) glass forming machine (32) and, for the simultaneous production of an assortment of hollow glass containers of different weights, a variable movement profile (A, B, C, D) being provided (or able to be stored in a control unit) per plunger (18a, 18b) for each section (32a-c) of the IS glass forming machine,

from which the subject matter of independent claim 1 differs in that:

for each preforming station of each section, a difference in the mass reference value is calculated from a mass reference set value and a measured mass reference actual value based on at least one of a series of successive drops (or the device has means for determining this), in dependence on the determined difference in the mass reference value, for each preforming station the associated plunger movement profile (A, B, C, D) is changed in such a way that a step-by-step approximation of the mass reference actual value to the mass reference set value takes place by subsequently repeating the determination of the difference in the mass reference value with subsequent changing of the movement profile (A, B, C, D) (or the control unit is connected to the means for determining this difference).

The subject matter of claims 1 and 11 is therefore novel (PCT Article 33(2)).

- 4 The problem addressed by the present invention can be considered that of making more accurate production of the glass boule possible.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/002302

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

The solution to this problem that is proposed in claim 1 (or 11) of the present application involves an inventive step (PCT Article 33(3)) for the following reasons:

In the prior art, only the movement of the plunger by means of a control unit, which uses the difference in mass between the as-produced mass and the set mass, is known (see D2 or D3). In addition, D1 and the prior art lack any reference to using this difference step by step in order to define the movement of the plunger more accurately.

Therefore, a person skilled in the art would not have the idea of developing this improved device to solve the problem in question.

- 5 Claims 2-10 (or 16-17) are dependent on claim 1 (or 11) and therefore likewise meet the PCT requirements for novelty and inventive step.



WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCI/EP2005/002302

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

- 1 The application does not meet the requirements of PCI Article 6, because claims 1 and 11 are not clear.

The plunger device of the represented embodiment that is described on page 5, lines 11-17 is not covered by the present claims. This inconsistency between the claims and the description leads to doubts concerning the subject matter for which protection is sought, for which reason the claims are not clear (PCI Article 6). It appears from the claims with the wording "**per** plunger" that the plungers (2, 2') have independently movable profiles, although it is clear from the description that the plungers can be changed by each other, so that the movement profile relates to the two plungers together.